

04/12/01  
jc860 U.S. PRO

PATENT  
Customer No. 22,852  
Attorney's Docket Number: 6148.0026-03

04/12/01  
jc1036 U.S. PRO  
09/832848

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Prior Application: Art Unit: 3737

Examiner: E. Mantis Mercader

SIR: This is a request for filing a

Continuation  Continuation-in-Part  Divisional Application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 09/105,068 filed June 26, 1998 of Richard D. Bucholz et al. for SURGICAL NAVIGATION SYSTEMS INCLUDING REFERENCE AND LOCALIZATION FRAMES.

1.  Enclosed is a complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed. I hereby verify that the attached papers are a true copy of prior application Serial No. 09/105,068 as originally filed on June 26, 1998, which is incorporated herein by reference.
2.  Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3.  Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 1.22(b)(2)(B)(i).
4.  A Preliminary Amendment is enclosed.
5.  The filing fee is calculated on the basis of the claims existing in the prior application as amended in the Preliminary Amendment.

LAW OFFICES

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& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, DC 20005  
202-408-4000

| Basic Application Filing Fee               |                  |       |              | \$710  | \$ 710.00                                     |
|--|------------------|-------|--------------|--------|---|
|  | Number of Claims | Basic | Extra Claims |        |   |
| Total Claims                               | 8                | -     | 20           | 0      | x \$18 0.00                                   |
| Independent Claims                         | 5                | -     | 3            | 2      | x \$80 160.00                                 |
| [ ] Presentation of Multiple Dep. Claim(s) |                  |       |              | +\$270 |   |
|  |                  |       |              |        | Subtotal \$ 870.00                            |
|  |                  |       |              |        | Reduction by ½ if small entity -              |
|  |                  |       |              |        | <b>TOTAL APPLICATION FILING FEE \$ 870.00</b> |

6.  Please charge \$ 870.00 to our deposit account 06-0916 to cover the \$710.00 filing fee and \$160.00 independent claim fee.
7.  The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
8.  Amend the specification by inserting before the first line, the sentence:
 

-- This is a division of application Serial No. 09/105,068, filed June 26, 1998, still pending, which a division of Serial No. 08/809,404, filed March 21, 1997, which is a 371 of PCT/US95/12894, filed October 5, 1995, which claims priority to Serial No. 60/003,415, filed September 8, 1995, now abandoned, and Serial No. 08/319,615, filed October 7, 1994 (abandoned), which is a continuation-in-part of 08/053,076, filed April 26, 1993, now abandoned, which is a continuation-in-part of 07/909,097, filed July 2, 1992, now U.S. Patent No. 5,583,454, which is a continuation of 07/600,753, filed October 9, 1990, now abandoned. --
9.  New formal drawings are enclosed.
10.  The prior application is assigned of record to: \_\_\_\_\_.
11.  Priority of application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ (country) is claimed under 35 U.S.C. § 119. A certified copy
 

is enclosed or  is on file in the prior application.

12.  A verified statement claiming small entity status  
 is enclosed or  is on file in the prior application.

13.  The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewis, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg. No. 29,924; Susan Haberman Griffen, Reg. No. 30,907; Richard B. Racine, Reg. No. 30,415; Thomas H. Jenkins, Reg. No. 30,857; Robert E. Converse, Jr., Reg. No. 27,432; Clair X. Mullen, Jr., Reg. No. 20,348; Christopher P. Foley, Reg. No. 31,354; John C. Paul, Reg. No. 30,413; David M. Kelly, Reg. No. 30,953; Kenneth J. Meyers, Reg. No. 25,146; Carol P. Einaudi, Reg. No. 32,220; Walter Y. Boyd, Jr., Reg. No. 31,738; Steven M. Anzalone, Reg. No. 32,095; Jean B. Fordis, Reg. No. 32,984; Roger D. Taylor, Reg. 28,992; Barbara C. McCurdy, Reg. No. 32,120; James K. Hammond, Reg. No. 31,964; Richard V. Burgujian, Reg. No. 31,744; J. Michael Jakes, Reg. No. 32,824; Thomas W. Banks, Reg. No. 32,719; Christopher P. Isaac, Reg. No. 32,616; Bryan C. Diner, Reg. No. 32,409; M. Paul Barker, Reg. No. 32,013; Andrew Chanko Sonu, Reg. No. 33,457; David S. Forman, Reg. No. 33,694; Vincent P. Kovalick, Reg. No. 32,867; James W. Edmondson, Reg. No. 33,871; Michael R. McGurk, Reg. No. 32,045; Joann M. Neth, Reg. No. 36,363; Gerson S. Panitch, Reg. No. 33,751; Cheri M. Taylor, Reg. No. 33,216; Charles E. Van Horn, Reg. No. 40,266; Linda A. Wadler, Reg. No. 33,218; Jeffrey A. Berkowitz, Reg. No. 36,743; Michael R. Kelly, Reg. No. 33,921; James B. Monroe, Reg. No. 33,971; Doris Johnson Hines, Reg. No. 34,629; Allen R. Jensen, Reg. No. 28,224; Lori Ann Johnson, Reg. No. 34,498; and David A. Manspeizer, Reg. No. 37,540.

14.  The power appears in the original declaration of the prior application.

15.  Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

16.  Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.

17.  Recognize as associate attorney \_\_\_\_\_  
(name, address & Reg. No.)

18.  Also enclosed is \_\_\_\_\_

**PETITION FOR EXTENSION.** If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no. 09/105,068, filed, June 26, 1998, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:



Anthony M. Gutowski  
Reg. No.: 38,742

Date: April 12, 2001

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